

August 3, 2004

August Third

20-----04

The regular August Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith (arrived at 7:45 P.M.), and Vice-Mayor R. Wayne Williams, Jr. (8). Ruby B. Archie was absent (1).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Director of Finance Aubrey D. Dodson, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Transportation Services Director Marc Adelman, Police Chief Philip Broadfoot, Economic Development Director Ron Bunch, Public Works Administrative Division Director Barry Doebert, Public Works Director Rick Drazenovich, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Deputy Public Works Director/City Engineer Kent Shelton, and Emergency Services Director Doug Young.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Stokes Daniels offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Hamlin recognized Economic Development Director Ron Bunch. Mr. Bunch advised that when job layoffs occur in the City, the Economic Development office works very closely with the Virginia Employment Commission (VEC) and its Rapid Response Team. He introduced Felecia McClenny, Employment Transition Services Coordinator with the VEC in Richmond, and local VEC Manager Ralph Price. Ms. McClenny reviewed a packet of information that had been placed at the desk of each Council Member. She said the Rapid Response Program assists employers with providing transition services for employees who are going to be laid off.

Ms. McClenny advised that the scope of the Team's services would depend on the amount of time program workers had to work with individuals before lay-off. Early intervention is one key to a successful transition. Transition services are provided from a variety of sources within the Virginia Employment Commission and various resources

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within the community. She said it is the responsibility of the Rapid Response Specialist to arrange services on behalf of employers.

The Team works in coordination with the VEC to help laid off workers find employment and training, as does the Workforce Investment One-Stop Career Center. The One-Stop Career Center in Danville is located at Danville Community College.

Council Member Saunders advised the Pittsylvania County Community Action Agency also provides Workforce Investment Services along with youth training.

Mayor Hamlin expressed appreciation to Ms. McClenny and Mr. Price for the good report and for the great coordination with Ron Bunch's office.

MINUTES

Upon Motion by Council Member Luther and second by Council Member Castiglione, Minutes of the July 20, 2004 Meeting of Danville City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

BUDGET ADOPTION-FY 2004-05-TITLE III-B & III-D GRANT FUNDS

Upon Motion by Council Member Castiglione and second by Council Member Rawley, Ordinance No. 2004-07.14 presented by its First Reading on July 20, 2004 amending the Fiscal year 2004-2005 Budget Appropriation Ordinance by increasing certain revenues to provide for Title III-B and Title III-D Grant Funds and local share for Senior Citizens Programs and appropriating same was adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

BUDGET ADOPTION-FY 2004-05-HOMELAND SECURITY GRANT

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No., 2004-07.15 presented by its First Reading on July 20, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to provide for a grant in the amount of \$167,721 from the U. S. Department of homeland Security, State Homeland Security Grant Program to equip emergency responders to have better preparedness to combat and deal with terrorist acts involving weapons of mass destruction and other homeland security incidents was adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).

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NAY: None (0).
ABSENT: Archie, and Smith (2).

BUDGET AMENDMENT-FY 2004-05-DEPARTMENT OF AVIATION GRANT

Upon Motion by Council Member Rawley and second by Council Member Castiglione, and Ordinance entitled:

ORDINANCE NO. 2004-08.01

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES TO PROVIDE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF AVIATION IN THE AMOUNT OF \$242,730 AND LOCAL MATCHING FUNDS IN THE AMOUNT OF \$26,970 FOR PHYSICAL SECURITY ENHANCEMENTS AT THE DANVILLE REGIONAL AIRPORT AND APPROPRIATING THE SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET ADOPTION-FY 2004-05-PER DIEM CHARGES-DETENTION HOME

Upon Motion by Vice-Mayor Williams and second by Council Member Daniels, Ordinance No. 2004-07.05 presented by its First Reading on July 6, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance for a grant and per diem charges to provide for the Outreach Detention Program at the W. W. Moore, Jr. Detention Home and appropriating same in the amount of \$223,929 was adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

BUDGET ADOPTION-FY 2004-05-ELECTRONIC MONITORING

Upon Motion by Council Member Luther and second by Council Member Rawley, Ordinance No. 2004-07.07 presented by its First Reading on July 6, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by anticipating revenues in the amount of \$60,033 from the operation of an Electronic Monitoring program for Pittsylvania County and appropriating same was adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, and Williams (7).
NAY: None (0).

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ABSENT: Archie, and Smith (2).

REAPPOINT EDWARDS TO COMMUNITY IMPROVEMENT COUNCIL

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-08.01

A RESOLUTION REAPPOINTING GWENDOLYN M. EDWARDS AS A MEMBER OF THE COMMUNITY IMPROVEMENT COUNCIL.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

APPOINT MORRISON TO COMMISSION OF ARCHITECTURAL REVIEW

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-08.02

A RESOLUTION APPOINTING ROBERT L. MORRISON, JR. AS A MEMBER OF THE COMMISSION OF ARCHITECTURAL REVIEW.

The Motion was seconded by Daniels and adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

APPOINT NEWMAN AS ASSISTANT CITY ATTORNEY

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-0-8.03

A RESOLUTION APPOINTING MICHAEL J. NEWMAN AS ASSISTANT CITY ATTORNEY FOR THE CITY OF DANVILLE.

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The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

City Attorney Whitfield introduced Mr. Newman. He said Mr. Newman graduated from George Washington High School in 1989, earned a bachelor's degree in political science from Mary Washington College in 1993, and graduated in 1996 from the George Mason University School of Law. Mr. Newman has practiced for eight years as an attorney and presently serves as an assistant commonwealth attorney in Pittsylvania County. Mr. Whitfield advised that his assistant would begin work on August 16, 2004.

Mr. Newman, who stated today was his 33rd birthday, thanked City Council for the opportunity to return to his hometown and said he was eager to start working. He said he could think of no better birthday gift than what has been bestowed upon him by City Council Members.

Mayor Hamlin welcomed Mr. Newman into the City's employ.

HEARING-REZONE PROPERTY AT 733 HOLBROOK AVENUE

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property located at 733 Holbrook Avenue. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 20 & 27, 2004.

The applicant, Joe Davis, appeared to answer questions from citizens and Council Members.

Council Member Rawley inquired of Mr. Davis as to what type of business would be locating there. Mr. Davis said he planned to establish a "Mom and Pop" type business at the location and would serve hotdogs, hamburgers, and other sandwiches.

No one further desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-08.01

AN ORDINANCE REZONING FROM OT-R OLD TOWNE RESIDENTIAL TO "CONDITIONAL" N-C NEIGHBORHOOD COMMERCIAL DISTRICT, 733 HOLBROOK AVENUE.

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Council Member Rawley seconded the Motion.

Council Member Luther advised that in March, the Board of Zoning appeals heard a request for a variance for the property at 733 Holbrook Avenue. He said the Board voted 5-0 to deny the variance request to allow for a store to reopen at this location. Mr. Davis' only option to establish a commercial business at the site was to request rezoning. At a meeting of the Planning Commission in July, Commissioners voted to recommend approval of the rezoning.

In response to Vice-Mayor Williams, Planning Director Ken Gillie said parking could be remote off-site parking or the Planning Commission and Board of Zoning Appeals may work with Mr. Davis in an attempt to find suitable parking for the facility.

The Ordinance was adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

HEARING-REZONE 18.505 ACRES ALONG PIEDMONT DRIVE

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property fronting along Piedmont Drive, Godfrey Street, Westover Place and Riverview Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 20 & 27, 2004.

The applicant, Howard Burnette of General Development Co., appeared to answer questions from Council Members and from citizens.

No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-08.03

AN ORDINANCE REZONING FROM HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT AND MHP-R MOBILE HOME PARK RESIDENTIAL DISTRICT TO PS-C PLANNED SHOPPING CENTER COMMERCIAL DISTRICT APPROXIMATELY 18,505 ACRES FRONTING ALONG PIEDMONT DRIVE, GODFREY STREET, WESTOVER PLACE AND RIVERVIEW DRIVE.

The Motion was seconded by Council Member Rawley and adopted by the following vote:

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VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

HEARING-SPECIAL USE PERMIT-JENNY LANE & GOODYEAR BLVD.

Mayor Hamlin opened the floor for a Public Hearing to consider the issuance of a Special Use Permit to construct a radio transmission tower at the intersection of Jenny Lane and Goodyear Boulevard. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 20 & 27, 2004. No one present desired to be heard and the Public Hearing was closed.

Council Member Daniels moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-08.04

AN ORDINANCE GRANTING A SPECIAL USE PERMIT IN ACCORDANCE WITH ARTICLE 3.B (c) (13) OF THE CITY CODE TO ALLOW FOR A PUBLIC USE OR UTILITY FOR THE CONSTRUCTION OF A 150' RADIO TRANSMISSION TOWER ADJACENT TO THE CITY WATER TANK ON JENNY LANE.

Council Member Luther seconded the Motion.

In response to a citizen who had opposed constructing the transmission tower because of possible harmful emissions, Council Member Luther said that having worked at a radio station for many years, it would take an enormous amount of energy to be harmful to residents. Public Works Administrative Division Director Barry Doeberth advised the tower would have the same amount of energy as others located throughout the City.

Council Member Castiglione requested that Planning Director Gillie send a response to the citizen who had opposed the construction. Mr. Gillie agreed to do so.

The Ordinance was adopted by the following vote:

VOTE: 7-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (7).
NAY: None (0).
ABSENT: Archie, and Smith (2).

HEARING-REZONE PROPERTY AT 205 EASTWOOD DRIVE

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Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property at 205 Eastwood Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 20 & 27, 2004.

Attorney Steve Bass, representing applicant Bobbie Floyd, was present to answer questions from Council Members and from citizens.

No one present desired to be heard and the Public Hearing was closed.

Council Member Luther moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-08.05

AN ORDINANCE REZONING FROM S-R SUBURBAN RESIDENTIAL DISTRICT TO HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, 205 EASTWOOD DRIVE.

Council Member Rawley seconded the Motion.

Council Member Smith entered the Meeting at this point.

In response to Council Member Daniels, Planning Director Gillie advised that the applicant was requesting that property located at 205 Eastwood Drive be rezoned from S-R Suburban Residential to HR-C Highway Retail Commercial to consolidate it with property at 201 Eastwood drive, which is currently zoned HR-C. The rezoning would allow for future expansion of the commercial use. To consolidate the properties, it is required that both have the same zoning designation. Mr. Gillie said that during the city's new zoning process in February, the property at 205 Eastwood Drive was inadvertently changed back to the residential category; therefore, a formal rezoning process is required.

Mr. Daniels inquired if there had been opposition to the request. Mr. Gillie said that out of eleven (11) notices sent prior to the July Planning Commission Meeting, eight (8) surrounding property owners were opposed and three (3) were unopposed. However, Mr. Gillie further reported that no comments were received prior to or during the Planning Commission Meeting.

The Ordinance was adopted by the following vote:

VOTE: 8-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (8).
NAY: None (0).
ABSENT: Archie (1).

HEARING-VACATE & SELL 0.0331 ACRES-OLD SOUTH MAIN STREET

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Mayor Hamlin opened the floor to consider vacating and selling 0.0331 acres of unused right-of-way at on Old South Main Street and a portion of right-of-way at the end of Buford Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 20 & 27, 2004.

Property owner Tim Mantooth appeared to answer questions from Council Members and from citizens.

No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-08.06

AN ORDINANCE VACATING AND SELLING AN 0.0331 ACRE PORTION OF THE UNUSED RIGHT-OF-WAY ON OLD SOUTH MAIN STREET AND A 30 FOOT X 50.45 FOOT PORTION OF RIGHT-OF-WAY AT THE END OF BUFORD STREET.

The Motion was seconded by Council Member Rawley and adopted by the following vote:

VOTE: 8-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (8).
NAY: None (0).
ABSENT: Archie (1).

HEARING-PIEDMONT DRIVE-BREAK IN LIMITED ACCESS

Mayor Hamlin opened the floor for a Public Hearing to consider a request from the Virginia Department of Transportation (VDOT) to allow a break in the limited access right-of-way between Park Avenue and Westover Drive. Notice of the Public Hearing had been duly published in the Danville Register and Bee on July 27, 2004.

General Development Co. President Howard Burnette was present to answer questions from Council Members and citizens.

No one present desired to be heard and the Public Hearing was closed.

Council Member Castiglione moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-08.04

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REQUEST FROM THE DEPARTMENT OF TRANSPORTATION A BREAK IN THE LIMITED

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ACCESS ON PIEDMONT DRIVE TO ALLOW FOR AN ENTRANCE TO A COMMERCIAL DEVELOPMENT ON THE EAST AND WEST SIDES OF PIEDMONT DRIVE BETWEEN PARK AVENUE AND WESTOVER DRIVE.

The Motion was seconded by Council Member Saunders and adopted by the following vote:

VOTE: 8-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (8).
NAY: None (0).
ABSENT: Archie (1).

BUDGET AMENDMENT-FY 2004-05-LAW ENFORCEMENT GRANT

Upon Motion by Council Member Rawley and second by Council Member Daniels, an Ordinance entitled:

ORDINANCE NO. 2004-08.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE TO ANTICIPATE THE RECEIPT OF FUNDS FROM THE U. S. DEPARTMENT OF JUSTICE LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM IN THE AMOUNT OF \$20,985 AND LOCAL SHARE IN THE AMOUNT OF \$2,332 FOR A TOTAL APPROPRIATION OF \$23,317 TO BE USED TOWARD THE PROCUREMENT OF EQUIPMENT, TECHNOLOGY AND OTHER MATERIAL DIRECTLY RELATED TO THE BASIC LAW ENFORCEMENT FUNCTION

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

In response to Vice-Mayor Williams, Police Chief Philip Broadfoot responded that the basic intent to is to use the funds for portable radios and wireless communications equipment.

APPROVE COMMUNITY SERVICES CONTRACT-FY 2004-2005

Vice-Mayor Williams moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-08.05

A RESOLUTION APPROVING THE FISCAL YEAR 2004-2005 PERFORMANCE CONTRACT FOR DANVILLE-PITTSYLVANIA COMMUNITY SERVICES.

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The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 8-0
AYE: Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (8).
NAY: None (0).
ABSENT: Archie (1).

COMMUNICATIONS

City Manager Gwaltney reported that Council Member Archie's daughter, Trina, and newborn baby are home from the hospital. The baby is doing well, but Trina is still not out of harm's way.

At the request of Mr. Gwaltney, Public Works Director Rick Drazenovich and City Engineer Kent Shelton distributed notebooks containing the Consulting Engineers' (Swartz and Associates, Inc.) findings entitled "*Report of Investigation & Development of Preliminary Cost to Rehabilitate Worsham Street Bridge.*" Mr. Gwaltney advised that on the "*City Manager Reports*" program on Cable Channel 20 from August 9-15, there would be an in-depth discussion with Consulting Engineer Wayne Swartz and Public Works Director Rick Drazenovich. He said that discussion relating to the report would be held during the August 17, 2004 Council Work Session and that Mr. Swartz would be present for that meeting.

There were no communications from the Deputy City Manager, City Attorney, and City Clerk.

ROLL CALL

Mayor Hamlin, Vice-Mayor Williams and Council Members Castiglione, Daniels, Luther, Rawley, Saunders, and Smith wished Mrs. Archie's daughter and new grandchild a speedy recovery.

Council Member Castiglione commented on the "National Night Out" events that were taking place this evening at the Community Market. He thanked Police Officer Steve Anderson for the outstanding job in coordinating the event.

Mr. Castiglione asked for an update on how the City collects the cost of doing business at the Community Market. He said many vendors are there for a week or two at a time.

Due to a recent request from Goodwill Industries for tax-exempt status, Mayor Hamlin announced that he had formed a committee to develop procedures for requests relating to a tax-exempt status. Members appointed by Mayor Hamlin were Council Members Sherman Saunders, Phillip Smith, Neal Ragsdale with Marshall Concrete, and Deputy

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City Manager Lyle Lacy. Mayor Hamlin said a report from the Committee is expected around October 1.

Council Member Smith reported he had recently visited the World War II Memorial and stated it was very moving to see fathers talking to their children about their wartime experience. He encouraged everyone to visit the site.

Vice-Mayor Williams, and Council Members Rawley and Saunders welcomed new Assistant City Attorney Michael Newman to the City's employ.

The Meeting adjourned at 8:33 P.M.

MAYOR

CLERK